



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Tomoyuki Ohzeki

Group Art Unit: 1752

Application No. 10/736,561

Examiner: Thorl Chea

Filed: December 17, 2003

For: PHOTOTHERMOGRAPHIC MATERIAL AND IMAGE FORMING METHOD  
USING SAME

DECLARATION UNDER 37 C.F.R. §1.132

Honorable Commissioner of Patents and Trademarks

P.O. Box 1450, Alexandria, Virginia 22313-1450

Sir:

I, Tomoyuki Ohzeki, do declare and state as follows:

I graduated from Graduate School of Science and Engineering of Waseda University with a Master's Degree in Science in March 1988;

I joined Fuji Photo Film Co., Ltd. in April 1988, and since that time I have been engaged in research and development in the field of silver halide photographic photosensitive materials, and from 1998 to present, I have been involved in the development of silver halide photothermographic photosensitive material at Ashigara Research Laboratories (presently Medical Systems

Development Center); and

I am familiar with the Office Action of November 28, 2006, and understand that the Examiner has rejected Claims 1, 4 to 8 and 10 to 20 under 35 U.S.C. § 103(a) as being unpatentable over Shor et al. (USP No. 6,413,710) in view of Matsumoto et al. (USP 5,958,668).

I declare that the halogens which are other than iodine and are contained in photosensitive silver halides used in Examples 3 to 8, 10, 11, 14, and 15 (namely, the photosensitive silver halides having a silver iodide content of less than 100 mol%) shown in Table 1 in the Declaration filed on September 5, 2006 are all bromine.

I declare that it is not believed that components other than those specified in claim 1 of the present invention which is shown in the Amendment filed on the same date as this Declaration and are used in the examples shown in Table 1 in the Declaration filed on September 5, 2006 provide a substantial effect to image stability of printout (image storability) that is noted in the present invention.

Moreover, I declare that the effect of improving "shelf life" referred to in Matsumoto and the effect of

improving "image storability" obtained by the present invention are completely different from a technical point of view. The improvement of shelf life relates to suppressing fogs which occur during storage of an unused (unexposed and undeveloped) photosensitive material. On the other hand, the improvement of image storability relates to suppressing blackening of residual silver halides in a photosensitive layer of an exposed and developed photosensitive material when the photosensitive material is placed under light. The improvement of image storability observed in the present invention is considered to be provided by a specific reaction of the silver iodide complex forming agent with the residual silver halide (see pages 41 to 42 of the specification of the present application). The improvement of image storability obtained by the use of the silver iodide complex forming agent is particularly remarkable when the silver iodide content of the photosensitive silver halide is in a range from 90 mol% to 100 mol%.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both,  
under Section 1001 of Title 18 of the United States Code  
and that such willful false statements may jeopardize the  
validity of the application or any patent issued thereon.

DATE: April 17, 2007

Tomoyuki Ohzeki

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